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## Conditions of Human Rights in Ethiopia in the Aftermath of Political Reform

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## CONDITIONS OF HUMAN RIGHTS IN ETHIOPIA IN THE AFTERMATH OF POLITICAL REFORM

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## I. INTRODUCTION

Ethiopia—a country with a rich history of human rights abuses—is currently undergoing a political transition. Since the announcement in January 2018 of comprehensive reform measures by the Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF),<sup>2</sup> and particularly following the appointment of Abiy Ahmed Ali as a Prime Minister in April 2018, the country has experienced seismic changes. The reform was a result of a nearly three-year-long protest movement originating in the Oromia Regional State against the EPRDF government, which mainly demanded an improvement in the human rights conditions in the country, access to fundamental freedoms and entitlements, for human dignity to be respected, and an inclusive economic and political system.

The aftermath of the reform has been characterized by a massive restructuring of the political system, government institutions and security

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<sup>2</sup> The EPRDF was composed of four political entities: the Tigray People’s Liberation Front (TPLF), the Amhara National Democratic Movement (ANDM), the Oromo People’s Democratic Organisation (OPDO) and the South Ethiopian People’s Democratic Front (SEPDF). The coalition ruled the country from 1991 to 2019.

actors, leading to sustained internal instability, which continues to put human rights at risk. The instability has been coupled with rather severe and widespread political and ethnic violence, which caused massive human rights abuses throughout the country. This negative development is set against the backdrop of an abundance of positive measures taken by the reformist government, which is, at the same time, attempting to facilitate the democratization of the country. Nevertheless, the desired outcome from the reform process, particularly in connection to human rights, has not yet come to fruition.

This paper focuses on the analysis of conditions of human rights in Ethiopia in the aftermath of the political reform from the perspective of perpetrators of human rights violations. It argues that the patterns of human rights violations have shifted in the post-reform period. While the implementation of reforms launched by the Abiy leadership has the potential to deliver progress on human rights, the consequent political and ethnic violence has instead led to severe human rights violations. These days, the perpetrators of the violations committed are primarily third parties such as individuals, private groups, and other non-state entities; in contrast, in the pre-reform period, the state itself was the primary perpetrator.

Furthermore, the paper argues that based on the tripartite state human rights obligations framework, the government has shown positive developments from the past on “obligation to respect” and “obligation to promote/fulfill,” albeit continued violations by the reformist government. However, the Ethiopian government has failed to prevent third parties from violating human rights, which relates to its obligation to maintain peace and order and to protect its citizens from harm. The paper concludes by outlining strategies that should be put into place to curtail human rights abuses in the country. This endeavour would significantly benefit human rights advocates concerned with the development of effective policy.

## II. THE HUMAN RIGHTS RECORD IN ETHIOPIA

### A. *The Pre-reform Human Rights Situation*

Ethiopia generally evokes images of drought, famine, and poverty, often accompanied by massive violations of human rights. The country’s challenges are a result of the negative “impact of the imperialistic and socialist regimes which ruled the country before 1991.”<sup>3</sup> In 1991 the EPRDF assumed power by overthrowing the socialist *Dergue* regime after a lingering

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<sup>3</sup> Kimberly Medlock Wigger, *Ethiopia: A Dichotomy of Despair and Hope*, 5 TULSA J. OF COMPAR. & INT’L L. 389, 389 (1998).

armed conflict.<sup>4</sup> The EPRDF pledged to “an ambitious programme of political reforms, enshrining democratic standards and the respect of group and human rights.”<sup>5</sup> These promises were followed up with the adoption of international human rights instruments, which obligated the Ethiopian government to draft and implement its policies in line with international human rights standards.<sup>6</sup> The Ethiopian Constitution of 1995 reconfirms this view and contains sophisticated chapters on human and democratic rights by endorsing international human rights standards.<sup>7</sup>

The adoption of the 1995 Constitution played a significant role in establishing the normative legal framework for the human rights landscape of the country. However, the implementation of these rights has faced continuous challenges. Despite the recurring human rights violations during the EPRDF regime,<sup>8</sup> the human rights condition of the country was at its lowest on two different occasions: the 2005 election crisis, and the eruption of unmanageable anti-government protests starting from 2015. The latter were primarily responsible for the sweeping change implemented in 2018 following the resignation of Prime Minister Hailemariam Desalegn.<sup>9</sup>

In 2005, election violence, caused in part by the controversial results of the parliamentary elections, combined with the response of the EPRDF government led by the late-Prime Minister Meles Zenawi, caused massive human rights abuses in the country.<sup>10</sup> Various international organizations reported “human rights violations against opposition [party] members, . . . including several killings, arbitrary detentions, harassment and intimidation

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<sup>4</sup> Alex de Waal, *Ethiopia: Transition to What?*, 9 WORLD POL’Y J. 719, 719 (1992).

<sup>5</sup> Kjetil Tronvoll, *Human Rights Violations in Federal Ethiopia: When Ethnic Identity is a Political Stigma*, 15 INT’L J. ON MINORITY & GRP. RTS. 49, 52–53 (2008).

<sup>6</sup> *Id.* at 53; *see also id.* at 53 n.14 (“In 1993 Ethiopia acceded to the International Covenant on Civil and Political Rights (without the Optional Protocols) and the International Covenant on Economic, Social and Cultural Rights; in 1994 it acceded to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Geneva Conventions of 1949 and Additional Protocols. The African Charter on Peoples and Human Rights was acceded to in 1999. The Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Elimination of All Forms of Racial Discrimination was ratified during the Derg-regime (in 1981 and 1976 respectively).”).

<sup>7</sup> *See* CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA PROCLAMATION NO. 1/1995 Aug. 21, 1995, ch. 3 (Eth.) (Chapter three of the Constitution is devoted to “Fundamental Rights and Freedoms” in general. Part one of the chapter is titled “Human Rights” while part two is titled “Democratic Rights”).

<sup>8</sup> *See* Anonymous, *Human Rights in the Horn of Africa*, 11 IND. INT’L & COMP. L. REV. 543, 548–52 (2001).

<sup>9</sup> Yoseph Badwaza & Jon Temin, *Reform in Ethiopia: Turning Promise into Progress*, FREEDOM HOUSE (Sept. 2018), [https://freedomhouse.org/sites/default/files/2020-02/policybrief\\_reform\\_in\\_ethiopia\\_0.pdf](https://freedomhouse.org/sites/default/files/2020-02/policybrief_reform_in_ethiopia_0.pdf).

<sup>10</sup> *See* Chi Mgbako, et al., *Silencing the Ethiopian Courts: Non-Judicial Constitutional Review and its Impact on Human Rights*, 32 FORDHAM INT’L L. J. 259, 268–69 (2008).

by police and local militias.”<sup>11</sup> Furthermore, the EPRDF responded by extending its crackdown and adopting various restrictive laws to narrow the political space, which was catastrophic to the human rights situation in the country.<sup>12</sup>

In November 2015, protests erupted throughout Oromia Regional State.<sup>13</sup> Shortly after that, protests quickly intensified and spread to other parts of the country, most notably to the Amhara Regional State. While the immediate cause of the protests was the government’s plan to expand the capital city of Addis Ababa across the Special Zone of Oromia Regional State surrounding the capital, they were an expression of much broader and accumulated grievances, including grievances caused by human rights abuses.<sup>14</sup> In response, the government declared numerous state of emergencies across various parts of the country, and unleashed a massive crackdown on free expression, association, and peaceful assembly.<sup>15</sup> Even if repetitive emergency declarations allowed the EPRDF to regain control of the situation, albeit temporarily through repression and imprisonment, the period was mainly characterized by massive human rights abuses. During the protest years (2015-2018), international non-governmental organizations such as Amnesty International (AI) and Human Rights Watch (HRW) reported various human rights abuses, including arbitrary killings, forced disappearances, arbitrary arrest and detention by security forces, torture and substantial interference with the rights of peaceful assembly, and restrictions on freedom of association.<sup>16</sup>

Against this backdrop, the reform process was born following the unprecedented decision of Prime Minister Hailemariam Desalegn to resign on January 4th, 2018, which resulted in a peaceful transfer of power.<sup>17</sup> The then Vice-President of the Oromia Regional State, as well as OPDO secretary, Abiy Ahmed Ali, was subsequently elected EPRDF chairman on

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<sup>11</sup> See Amnesty Int’l, *Ethiopia: Prisoners of Conscience on Trial for Treason: Opposition Party Leaders, Human Rights Defenders and Journalists*, at 3, AI Index AFR 25/013/2006 (May 2, 2006); see also *World Report 2006: Events of 2005*, HUMAN RIGHTS WATCH, Jan. 17, 2006, at 103–04 (providing a broad overview of human rights abuses in Ethiopia in 2005).

<sup>12</sup> See *World Report 2010: Events of 2009*, HUMAN RIGHTS WATCH, 2010, at 118–49.

<sup>13</sup> Jon Temin & Yoseph Badwaza, *Aspirations and Realities in Africa: Ethiopia’s Quiet Revolution*, 30 J. OF DEMOCRACY 139, 142 (2019) (Oromia is Ethiopia’s largest and most populous region, with 287,000 square kilometers and roughly 35 million people, based on the 2007 census.).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> See, e.g., *World Report 2016: Events of 2015*, HUMAN RIGHTS WATCH, Jan 27, 2016, at 238–43; Amnesty Int’l, *Annex: Commentary on the Ethiopian State of Emergency*, at 2–3, AI Index AFR 25/982/2018 (Mar. 1, 2018).

<sup>17</sup> See *Ethiopia PM Hailemariam Desalegn in surprise resignation*, BBC (Feb. 15, 2018), <https://www.bbc.com/news/world-africa-43073285>.

March 27<sup>th</sup> 2018; he was then appointed Prime Minister on April 2<sup>nd</sup>.<sup>18</sup> While the government of Abiy Ahmed immediately cracked down on human rights abuses while entering office, it was unable to quell the rising political and ethnic divisions that were just as quickly dividing the country.<sup>19</sup> The post-reform period has now slid into a period of widespread political, ethnic, and religious violence with no end in sight. The next section outlines what happened to the human rights landscape of the country after the reform process began, including both the challenges and success stories, which indicate the shift in the causes of violations and the principal perpetrators.

### *B. The Post-reform Human Rights Situation*

In this section, the contribution of the reformist government to the improvement of human rights is juxtaposed with the involvement of third parties as major violators of human rights during the post-reform period (2018 and 2019). The discussion will explain the incidents from the viewpoint of the depth, type, and character of human rights violations as well as to appreciate whether there exists a shift in perpetrator typology from the pre-reform period.

### *C. The Unfinished Reform*

The Abiy administration, which is in charge of the reform, has been registering both success and failures in human rights causes. The international community, particularly human rights groups, welcomed the change together with its pitfalls. Notably, in its January 15th, 2019 report, HRW praised Abiy Ahmed's government by indicating that "the human rights landscape transformed in 2018 after Abiy Ahmed became Prime Minister."<sup>20</sup> The evidence stated by HRW in asserting the positive developments after Abiy took office is: "The [reform] government lifted the state of emergency[,] . . . released thousands of political prisoners[,] . . . committed to legal reforms of repressive laws and introduced numerous other reforms, paving the way for improved respect for human rights violations."<sup>21</sup> Furthermore, the U.S. Department of State (USDOS), citing various NGO reports, stated that "arrests, detention, abuse, and harassment of persons for criticizing the government dramatically diminished" after Abiy came to power.<sup>22</sup> According to the HRW 2020 world report, "there have

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<sup>18</sup> *Supra* note 10.

<sup>19</sup> *World Report 2019: Events of 2018*, HUMAN RIGHTS WATCH, Jan. 15, 2019, at 213.

<sup>20</sup> *World Report 2019: Events of 2018*, HUMAN RIGHTS WATCH, Jan. 15, 2019, at 213.

<sup>21</sup> *Id.*

<sup>22</sup> U.S. DEP'T OF STATE, ETHIOPIA 2018 HUMAN RIGHTS REPORT 14–15 (2019), <https://www.state.gov/wp-content/uploads/2019/03/Ethiopia-2018.pdf>.

been fewer reports of arbitrary arrests overall” in the country, there persist “ongoing reports of abusive arrests of alleged Oromo Liberation Front (OLF) members and their alleged sympathizers.”<sup>23</sup>

Various legal reforms have been undertaken to amend repressive laws in an effort to expand the civil and political rights space to anchor reform measures in an institutional framework. The Office of the Attorney General has established the Legal and Justice Affairs Advisory Council, entrusted with examining different laws and regulations in the justice system in order to develop recommendations for comprehensive revisions, including amendments to these laws and restructuring of legal institutions.<sup>24</sup> To mention a few, the Media Law, the Civil Society Law, and the National Electoral Law have been revised and ratified by the House of Peoples’ Representatives (HPR).<sup>25</sup> The Anti-Terrorism Law, which has been criticized for curtailing human and democratic rights, was also recently amended.<sup>26</sup> Concerning the structural reforms, when lawyer and civil society leader Meaza Ashenafi was appointed to Chief Justice of the Federal Supreme Court, human rights watchdogs were hopeful for judicial reform and increased independence.<sup>27</sup> Furthermore, the appointment of Daniel Bekele, renowned human rights advocate, as the Commissioner of the Ethiopian Human Rights Commission (EHRC), also highlights a fundamental reform.<sup>28</sup>

In the economic sphere, the reform government has embarked upon the liberalization of the economy through partial or full privatization of state-owned enterprises. The government has launched an economic roadmap called “Home-grown Economic Reform Agenda” that aims to achieve a diversified, middle-income economy by 2030.<sup>29</sup> In this regard, the primary targets of the reform program are creating employment opportunities for

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<sup>23</sup> *World Report 2020: Events of 2019*, HUMAN RIGHTS WATCH, Jan. 8, 2020, at 207. The OLF was a previously banned organization viewed as a terrorist group.

<sup>24</sup> David Kaye (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression), *Visit to Ethiopia*, at 6, U.N. Doc. A/HRC/44/49/Add.1 (Apr. 29, 2020).

<sup>25</sup> *Id.* at 7-8, 6-7, and 4, respectively.

<sup>26</sup> See Samuel Gebre, *Ethiopia Loosens Anti-Terrorism Law Used to Subdue Opposition*, BLOOMBERG (Jan. 3, 2020, 1:26 AM), <https://www.bloomberg.com/news/articles/2020-01-03/ethiopia-loosens-anti-terrorism-law-used-to-subdue-opposition>.

<sup>27</sup> *Freedom in the World 2019 – Ethiopia*, FREEDOM HOUSE (Feb. 28, 2020), <https://freedomhouse.org/country/ethiopia/freedom-world/2019>.

<sup>28</sup> *Ethiopia Appoints Prominent Human Rights Defender as Head of Human Rights Commission*, HORN DIPLOMAT (July 2, 2019), <https://www.horndiplomat.com/2019/07/02/ethiopia-appoints-prominent-human-rights-defender-as-head-of-human-rights-commission/>.

<sup>29</sup> *A Home-grown Economic Reform Agenda: A Pathway to Prosperity*, FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, OFFICE OF THE PRIME MINISTER (Sep. 2019), <https://pmo.gov.et/initiatives/>.



youth and creating private sector-led economic transformation and industrialization.<sup>30</sup>

Against the achievements of the reform, however, there is evidence to show that the reform ambitions are stuck and have also shown little-to-no change in the human rights landscape, except changes in degree and character of the violations. Some incidents that demonstrate the continued repressive behaviour of the government and the widespread conflicts that caused the violations of human rights will be discussed in the following sections to reveal the human rights conditions of the country after the reform process began.

#### *D. Is the reform government committed to human rights causes?*

Despite significant steps that have been taken by the reform government in the political and economic arena, which has contributed positively to the improvement in the human rights condition of the country, numerous incidents of state abuse of human rights still exist. The human rights abuses are, of course, incomparable with the pre-reform period, and the violations are enveloped by success stories, which have reduced criticisms from the local and international community in order to support the overall reform process.

Nevertheless, the implications of some repressive behaviours of the reform government should be scrutinized critically. For example, on September 15, 2018<sup>31</sup> and June 22, 2019<sup>32</sup> mass arrests were carried out, which were reminiscent of the pre-reform period. AI noted that the mass arrests and detentions of youth following protests related to the Burayu incident were dangerous harbingers of a new era of human rights violations.<sup>33</sup> Furthermore, in July 2019, AI spoke out concerning “this new round of

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<sup>30</sup> *See id.*

<sup>31</sup> Starting from September 14–16, 2018, ethnically charged attacks in Burayu, in Oromia, on the outskirts of the capital Addis Ababa, targeting the area’s ethnic Gamo, Gurage and other communities hailing from Southern Ethiopia left at least twenty-three people dead. *See News: More Than Twenty Three Killed in a Spate of Mob Attack in Burayu. Thousands Displaced*, ADDIS STANDARD (Sept. 17, 2018), <https://addisstandard.com/news-more-than-twenty-three-killed-in-a-spate-of-mob-attack-in-burayu-thousands-displaced/>.

<sup>32</sup> On June 22, 2019, Ambachew Mekonnen, the president of Amhara regional state, was killed in Amhara’s regional capital of Bahir Dar, and Seare Mekonnen, the chief of staff of the national security forces, was shot in Addis Ababa. The senior adviser of Ambachew Mekonnen, Ezez Wasie, and another general, Gezai Abera, were also killed in the attacks. *See Ethiopia Army Chief Shot Dead in ‘Coup Bid’ Attacks*, BBC NEWS (June 23, 2019), <https://www.bbc.com/news/world-africa-48734572>.

<sup>33</sup> *Ethiopia: Mass Arbitrary Arrests and Detentions of Youth Threaten a New Era of Human Rights Gains*, AMNESTY INT’L (Sept. 24, 2018, 8:21 PM), <https://www.amnesty.org/en/latest/news/2018/09/ethiopia-mass-arbitrary-arrests-and-detentions-of-youth-threaten-a-new-era-of-human-rights-gains/>.

arrests” that came in the wake of the June 22nd assassination by commenting that it was “a hugely regressive move that risks rolling back the progress witnessed in 2018.”<sup>34</sup> Surprisingly, in August 2019 a University lecturer was charged under the Anti-Terrorism Law for writing a book criticizing Prime Minister Abiy Ahmed even though he “denies having written the book.”<sup>35</sup>

These are some instances that show the continued abuses of human rights by the reform government. More importantly, though, is the failure of the government to maintain peace and order, which in turn has caused the violation of human rights by third parties. In the following section, a brief discussion will be made regarding the human rights violations caused by third parties. The violations of human rights by third parties, including conflict-related displacements, have come to characterize the post-reform human rights landscape.

### III. HUMAN RIGHTS VIOLATIONS CAUSED BY ETHNIC-VIOLENCE

The positive human rights reforms of Abiy Ahmed are stuck as a result of growing ethnic-conflicts, which have resulted in significant internal displacement and a breakdown in law and order.<sup>36</sup> Since the reform process began, “longstanding grievances over access to land and complex questions of identity and demarcation of internal borders on occasion led to abuses, including open conflict between ethnic groups, killings, and large-scale internal displacement.”<sup>37</sup> The gravest conflicts occurred in 2018 (Gedeo/Guji communal conflict; conflicts in Benshangul-Gumuz, Oromia, Somali, and Amhara region border areas) and caused the highest share of displaced persons in Ethiopia, with conflict accounting for approximately 66% of all cases of displacement in Ethiopia.<sup>38</sup>

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<sup>34</sup> *Ethiopia: New Journalist Arrests Put Press Freedom Gains at Risk*, AMNESTY INT’L (July 9, 2019, 6:34 PM), <https://www.amnesty.org/en/latest/news/2019/07/ethiopia-new-journalist-arrests-put-press-freedom-gains-at-risk/>.

<sup>35</sup> Amnesty Int’l, *Ethiopia: University Lecturer Must be Released: Firew Bekele*, at 1–2, AI Index AFR 25/1052/2019 (Sept. 20, 2019), <https://www.amnesty.org/download/Documents/AFR2510522019ENGLISH.pdf>.

<sup>36</sup> *Ethiopia: Abiy’s First Year as Prime Minister, Review of Conflict and Internally Displaced Persons*, HUMAN RIGHTS WATCH (Apr. 9, 2019, 12:00 AM), <https://www.hrw.org/news/2019/04/09/ethiopia-abiy-first-year-prime-minister-review-conflict-and-internally-displaced>.

<sup>37</sup> Human Rights Watch, *World Report 2020: Events of 2019*, at 207 (Jan. 8, 2020).

<sup>38</sup> Int’l Org. for Migration, *Ethiopia National Displacement Report Round 18: July — August 2019*, at i, 4 (Oct. 22, 2019), <https://displacement.iom.int/reports/ethiopia-%E2%80%94-july-2019?close=true>; see also Internal Displacement Monitoring Centre, *Global Report on Internal Displacement*, at 6 (May 10, 2019), <https://www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf> (showing a marked difference in the number of displaced people in Ethiopia from 2017–2018).

Likewise, ethnic violence, including mob justice, has increasingly become common throughout the country. For instance, a mob attack in Burayu claimed dozens of lives;<sup>39</sup> ethnic attacks caused deaths in universities;<sup>40</sup> and a mob stoned two researchers to death.<sup>41</sup> At the time of writing, the security situation in the country appears, on the surface, at least, better overall, but remains unstable.

Nevertheless, it is clear that lasting peace is a prerequisite for the exercise of all human rights and duties—not only a human right by itself. The government should take appropriate measures in compliance with its international human rights obligations and with due regard to the respective legal system to counter intolerance and related peace as promised by all governments at the World Conference on Human Rights of 1993.<sup>42</sup>

The reform government, however, failed in its central function as a state, which is to prevent irreparable harm from being inflicted upon members of society by any individual or non-state actor. The EHRC noted that the exploding conflicts throughout the country involve serious human rights abuses and reported this to the Parliament as the failure of the government to protect citizens from ethnic violence.<sup>43</sup> The then-Commissioner stated to Reuters that, “in some cases, security officials deliberately avoided stepping in” and further, “there is also a lack of accountability” for the deliberate involvements.<sup>44</sup> The new chief commissioner to the EHRC, on its recent report to Parliament, admitted that the “human rights situation in Ethiopia is exacerbated due mainly to non-state actors.”<sup>45</sup>

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<sup>39</sup> *News: More Than Twenty Three Killed in a Spate of Mob Attack in Burayu. Thousands Displaced*, ADDIS STANDARD (Sept. 17, 2018), <https://addisstandard.com/news-more-than-twenty-three-killed-in-a-spate-of-mob-attack-in-burayu-thousands-displaced/>.

<sup>40</sup> *See, e.g., Clashes on Ethiopian Campuses Kill 3 University Students*, AP NEWS (Nov. 13, 2019), <https://apnews.com/927e332b52ab49f3a96a545a0da1dd9b>.

<sup>41</sup> *The Rumour that Led to Medical Researchers in Ethiopia being Killed by a Mob*, BBC NEWS (May 18, 2019), <https://www.bbc.com/news/av/world-africa-48313462/the-rumour-that-led-to-medical-researchers-in-ethiopia-being-killed-by-a-mob>.

<sup>42</sup> World Conference on Human Rights, *Vienna Declaration and Programme of Action*, ¶ 30, U.N. Doc. A/CONF.157/23 (June 25, 1993).

<sup>43</sup> *Ethiopia Government Failing to Protect People from Ethnic Violence: Rights Commission*, REUTERS (Oct. 4, 2018, 12:29 PM), <https://www.reuters.com/article/us-ethiopia-violence-rights-idUSKCN1ME2AK>.

<sup>44</sup> *Id.*

<sup>45</sup> *News: Human Rights Commission Chief Says Non-State Actors Worsening Human Rights Crisis in Ethiopia*, ADDIS STANDARD (Jan. 23, 2020), <https://addisstandard.com/news-human-rights-commission-chief-says-non-state-actors-worsening-human-rights-crisis-in-ethiopia/>.

#### IV. THE CAUSES AND IMPLICATIONS OF HUMAN RIGHTS VIOLATIONS

As indicated above, the post-reform period has been marked by the participation of third parties, such as individuals, groups, and non-state actors in violations of human rights. However, the role of the government, and its agents, has become minimal in human rights violations compared to non-state actors. The question is: what are the reasons for the grave human rights abuses, and the implications thereof?

There are various reasons that created a favourable ground for human rights violations during the reform period. Formerly exiled opposition parties and rebel groups returned to the country following the widening of the political space by the government have contributed to the political instability and security problem of the country. The political instability in the transition escalated tension and uncertainty; this developed because of the polarized and antagonistic political space that took over public life. The political instability that emerged from polarized and extremist thoughts have led to widespread human rights violations and abuses in every corner of the country.

Economic problems originating from economic downturn and unemployment<sup>46</sup> primarily contribute to the involvement of youth groups in violence.<sup>47</sup> Political extremists who endorse polarized ideas are using the unemployed youth as a means of reinforcing and projecting their polarized political agendas.

The mushrooming media outlets constitute the other category responsible for the violation of human rights. In particular, the public and private media are responsible for inciting, distorting, and misinforming various youth groups or other members of the public.<sup>48</sup> There are private and social media that are based both in Ethiopia and abroad that fabricate fake news and use it to incite violence for political purposes.<sup>49</sup> Instead of promoting respect for human rights, the media contribute to the violations of human rights through incitement or escalation of collective violence.

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<sup>46</sup> The economy does not create sufficient jobs, and it registered the lowest economic growth in the last 11 years, according to the official data obtained from the World Bank (WB) and International Monetary Fund (IMF). Besides, 70% of the total population is under the age of 29, and as per the data of IMF, Ethiopia is one of the leading Sub-Saharan African countries that have a high rate of youth unemployment.

<sup>47</sup> Semir Yusuf, *Drivers of ethnic conflict in contemporary Ethiopia*, INSTITUTE FOR SECURITY STUDIES (ISS) 20–24 (Dec. 2019), <https://issafrica.s3.amazonaws.com/site/uploads/mono-202-2.pdf>.

<sup>48</sup> Ethiopian Broadcasting Authority (EBA) Director-General Getachew Dinku stated in a report to the HPR standing committee that the public and private media have been fomenting violence in the country. See *Broadcasting Authority to Take Measures against Irresponsible Media*, ENA (Nov. 4, 2019), <https://www.ena.et/en/?p=10548>.

<sup>49</sup> See, e.g., Meseret Assefa, *Role of social media in Ethiopia's recent political transition*, 12 J. MEDIA COMM. STUD., 13 (2020).

However, these are not the only reasons that have contributed to the overall decline in the human rights environment in Ethiopia.

There have been significant reforms in the justice sector and law enforcement agencies, specifically: the change targeted courts, security apparatus, prosecutors, police departments, and others. However, the Abiy-led reform appears to be stranded without a good cascade effect at the lower judicial and law enforcement organs that caused a collapse of law and order in the country. Further, due to division and power struggle among the ruling factions in the aftermath of the reform, a security vacuum was created.<sup>50</sup> A security vacuum can contribute to severe human rights violations, atrocities and humanitarian crises in the country.<sup>51</sup> As a result of the security vacuum, the Ethiopian government is unable to discharge its obligation to protect the human rights of the people, which are mainly violated by non-state actors.

The existence of a security vacuum caused a severe collapse of law and order in the country. Law and order is the most effective means of protecting human and democratic rights; therefore, as a result of the collapse of law and order, combined with the creation of a security vacuum, very weak law enforcement agencies developed, mainly in the regional states.<sup>52</sup> The regional states are becoming very weak in ensuring law and order in their respective administrative territories; hence, they are not in the position to effectively uphold their responsibilities so as to avert conflict borne human rights violations and abuses.

Besides, the EHRC, a governmental Commission that works to ensure human and democratic rights of the people, is not working within its full capacity. The Commission is mandated to investigate and report human rights violations and abuses to urge and pressure the government and the international community. Nevertheless, the Commission is facing a structural problem and has no budgetary and civil servant freedom to work on the mandates and responsibilities given by the law. These problems hinder the Commission to ensure the protection of human and democratic rights and to challenge the government effectively.<sup>53</sup> These problems hinder the Commission to ensure the protection of human and democratic rights and to challenge the government effectively.

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<sup>50</sup> *Supra* note 46, at 25–33.

<sup>51</sup> See Human Rights Watch, *World Report 2019: Events of 2018*, at 213 (2019), [https://www.hrw.org/sites/default/files/world\\_report\\_download/hrw\\_world\\_report\\_2019.pdf](https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf) (detailing the human rights violations in Mali after a security vacuum beginning in 2012 and continuing through 2018).

<sup>52</sup> *Supra* note 46, at 25–33.

<sup>53</sup> Equality and Human Rights Commission, *Annual Report and Accounts: 1 April 2019 – 31 March 2020*, at 84 (July 16, 2020).

On the other hand, independent civil societies, mandated with the promotion, protection, and advancement of human rights, are not participating sufficiently in public affairs. Also, international rights groups, i.e., HRW, AI, and others, are not alert and not pressuring the Ethiopian government enough for the human rights abuses during the reform period.

## V. STRATEGIC MEASURES AND THE WAY FORWARD

### E. *Political Measures: Political Dialogue and Reconciliation*

“Complex socio-political instabilities are not solved through once-off dialogue events, but through ongoing, multi-faceted and multi-level dialogue processes.”<sup>54</sup>

The political instability of the country needs a serious and genuine national dialogue and discussion among political parties and all other stakeholders to reconcile the political views and devise a common political solution that will ensure peace and stability. Moreover, the government must play a vital role in facilitating, supporting, and being part of the dialogue to create a long-lasting conducive political environment in the country. Ending political instability will result in reducing violations of human and democratic rights since most of the violations are emanating from the political instability in the country.

On the other hand, to settle either historical or recent conflicts, reconciliation should be placed in today’s Ethiopia to strengthen people’s unity and cooperation. The government has taken some measures for reconciliation, but they have not been productive. However, it is obvious that political and policy measures themselves are not sufficient to address the problems without appropriate legal measures. Thus, the government must, at an absolute minimum, enforce the rule of law to deter extreme and illegal political activities.

### F. *Economic Measures; Youth Employment*

Abiy Ahmed’s government is aggressively working on economic reforms. Readjusting and revisiting the economic policies of the country is one of the main tenets of the reformist government. However, any economic policy should come up with a practical solution for youth unemployment.

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<sup>54</sup> Int’l Dialogue on Peacebuilding & Statebuilding, *The Role of Political Dialogue in Peacebuilding and Statebuilding: An Interpretation of Current Experience*, at 5 (May 25, 2011), [https://www.pbsbdialogue.org/media/filer\\_public/bd/c8/bdc8e1a2-65b0-4305-94d8-20d02d05323e/the\\_role\\_of\\_political\\_dialogue\\_in\\_peacebuilding\\_and\\_statebuilding\\_en.pdf](https://www.pbsbdialogue.org/media/filer_public/bd/c8/bdc8e1a2-65b0-4305-94d8-20d02d05323e/the_role_of_political_dialogue_in_peacebuilding_and_statebuilding_en.pdf).

As indicated above, the economy is not creating sufficient jobs for the youth, which is dangerous as the youth are one of the most vulnerable groups and consequently are causing instability and insecurity throughout the country. By understanding the existing economic problems of the youth, the Ethiopian government has launched an ambitious plan for youth employment.<sup>55</sup> The plan has envisaged creating 20 million new jobs by 2025 to tackle the challenges posed by youth unemployment, among others.<sup>56</sup> A committee accountable for the prime minister has established to effectively coordinate various stakeholders and create a favorable investment environment to accelerate job creation.<sup>57</sup>

Every year two million new job seekers enter the labor market in the country where the population of working age of those ten and above is estimated to reach 94.2 million by 2025.<sup>58</sup> Given this, the government has not made any public statements about the progress of the committee or any progress on the job creation until now. Therefore, the government must work to create jobs and involve youth in the reform to benefit from the economy of the country unless it remains difficult for the government to address the instability and insecurity of the country while having high youth unemployment. Moreover, political extremists are using the unemployed youth for their own agenda, which is becoming a threat to human and democratic rights throughout the country.

### *G. Building Strong Institutions*

Building strong institutions is a time consuming and arduous task, which takes a relatively long time and needs capital, human resource, and democratic government. In a country like Ethiopia with a federal set-up, a strong and effective justice and law enforcement institutions will be built through coordinated policy reforms and implementation. Even for the fragmented reforms introduced so far, it is noted that reforming the previous deep-rooted corrupt practices and implementing the new reforms to strengthen the institutions will take some time. And, currently, lack of a strong and independent justice system and law enforcement agencies are one of the reasons for human rights violations committed either by non-state or

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<sup>55</sup> See *Plan of Action for Job Creation: 2020-2025, Briefing Document*, Jobs Creation Commission of Ethiopia (2019), <https://www.jobscommission.gov.et/wp-content/uploads/2019/11/National-Plan-for-Job-Creation-Brief.pdf>.

<sup>56</sup> *Id.* at 8.

<sup>57</sup> *Ethiopia Launches National Job Creation Committee*, ETHIOPIAN MONITOR (Aug. 7, 2019), <https://ethiopianmonitor.com/2019/08/07/ethiopia-launches-national-job-creation-committee/>.

<sup>58</sup> Addis Getachew Tadesse, *Ethiopia Unveils Jobs Creation Plan*, ANADOLU AGENCY (Oct. 31, 2019), <https://www.aa.com.tr/en/africa/ethiopia-unveils-jobs-creation-plan/1631987>.

state actors. Moreover, the law enforcement organs should also be reformed to operate with accountability and due respect for human rights. If not, the current state of affairs (continuing state violence and emerging collective violence) will put the life of the masses at risk and people may even organize themselves in groups to take justice into their own hands. Thus, the government should focus and be determined to set up a clear plan and comprehensive strategy to build strong institutions that will ensure the rule of law, peace, stability, and economic and social development.

The justice sector, civil society and other concerned stakeholders should intensively work on creating public awareness about the rule of law and human rights. Well-designed training and capacity building programs must address law enforcement agencies, which, of course, is an integral part of building strong law enforcement agencies to fill the existing gaps quickly.

#### *H. Political parties, “Activists” and International Rights Group*

Political parties and “activists” should refrain from violence and extreme political thoughts that endanger the life and security of the people. Moreover, the government must act promptly to make sure that the fundamental principles of the rule of law are respected. Then again, the international rights group should conduct fact-finding investigations and monitor the government as they did in the pre-reform period to ensure that human and democratic rights are not being violated.

#### *I. Hosting Credible National Elections*

Currently, there is a growing public debate on whether to postpone the upcoming election in Ethiopia, taking into account the country’s instability. Indeed, the election should be preceded by the peace, security, and stability of the country to enable a free and fair election. Postponing the election, though, will leave the country in a quandary given the polarized political thoughts and extreme activities in the political sphere.<sup>59</sup> The authors strongly believe in the importance of conducting a national election in accordance with a legal time-frame since it paves the way for a strong and legitimate government that will ensure the protection of the human and democratic rights of the people. Unlike the preceding national elections, many expect

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<sup>59</sup> Opposition political figures have been warning the Abiy Administration not to postpone the election, noting that doing so is unconstitutional and has serious consequences. See, e.g., Dawit Endeshaw, *Ethiopia opposition see dangers if 2020 vote delayed*, REUTERS (Jun. 21, 2019), <https://www.reuters.com/article/us-ethiopia-election-idUSKCN1TM23N>.



the newly re-established National Electoral Board of Ethiopia (NEBE) to organize and conduct the upcoming election credibly.<sup>60</sup>

## VI. CONCLUSION

Despite the few months following the reform that appeared to change the old but still continuing practices of human rights abuses, it is now clear that human rights situations are deteriorating and getting worse on a daily basis. The post-reform period has been marked by the participation of third parties, such as individuals, groups, and non-state actors in violations of human rights as opposed to the pre-reform period. However, the role of the government and its agents has become minimal in human rights violations. The political instability, coupled with rather severe and widespread political and ethnic violence, were significant causes of massive human rights abuses. The reform government failed in its central function as a state, which is to prevent irreparable harm from being inflicted upon members of society by any individual or non-state actor. Such failure can be attributed to the government as it has the primary legal obligation to respect and protect human rights of all in its jurisdiction. Hence, political, policy, legislative, and enforcement/implementation measures must be taken to address the absence of the rule of law and violations of human rights, among other things.

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<sup>60</sup> The appointment of Birtukan Mideksa, once a prominent opposition political figure as chairman of NEBE, restored faith in the country's electoral system. See *Ethiopian's Birtukan Mideksa appointed election boss*, BBC NEWS (Nov. 22, 2018), <https://www.bbc.com/news/world-africa-46301112>.